

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

DOROTHY STANLEY, as Executrix of the  
ESTATE of HELEN RUNGE,

*Plaintiff,*

v.

WALTER J. KELLY; KERRY L.  
BLOOMINGDALE, M.D.; and  
SUNBRIDGE NURSING AND  
REHABILITATION CENTER,

*Defendants.*

Civil Action No. 05-10849-RGS

**DEFENDANT'S ADDITIONAL OFFER OF PROOF**

In support of Plaintiff's Opposition to Defendant's Motion for Reconsideration and Clarification on the Court's order regarding the admittance of the Affidavit of Helen Runge dated July 27, 2003, Plaintiff asserts that the affidavit of Walter Kelly is part of an agreed upon exhibit (Exhibit 20). However, the subject exhibit was proposed by Plaintiff, and Defendant Kelly agreed to the exhibit. The fact that Plaintiff wished to have an affidavit of Defendant Kelly admitted cannot be used against Defendant Kelly.

Defendant's Offer of Proof includes the following:

1. The Affidavit of Walter Kelly is attached to a letter from Thomas Schiavoni to Patrolman Brent Jackson, May 5, 2003 (Agreed Upon Exhibit 20). This exhibit was proposed by Plaintiff and not Walter Kelly. [See attached Email from Andrea Dean, Plaintiff's counsel, with attached Plaintiff's Proposed Exhibits, No. 32, attached as Exhibit A].

Respectfully submitted,  
The Defendant, Walter J. Kelly,  
By his attorneys,

s/ Michele Carlucci  
George C. Rockas, BBO #544009  
Michele Carlucci, BBO #655211  
WILSON ELSER LLP  
260 Franklin Street  
Boston, MA 02110  
(617) 422-5300

**CERTIFICATE OF SERVICE**

I, Michele Carlucci, certify that on June 24, 2008, I have served a copy of the foregoing by electronic filing.

/s/ Michele Carlucci  
Michele Carlucci

**Carlucci, Michele**

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**From:** Andrea E. Dean [adean@ldylaw.com]  
**Sent:** Wednesday, June 11, 2008 8:03 AM  
**To:** mwilliams@lawson-weitzen.com; Rockas, George; Carlucci, Michele  
**Cc:** Glenn Davis  
**Subject:** Re: Runge Trial  
**Attachments:** 2476.pdf

Counsel: Please find attached Plaintiff's proposed, updated Exhibit List, in which we've added cites where possible. If this List changes, we will submit the updated List to you.

Thank you,

Andrea E. Dean  
Latsha Davis Yohe & McKenna, P.C.  
1700 Bent Creek Boulevard, Suite 140  
Mechanicsburg, PA 17050  
Phone: 717-620-2424  
Fax: 717-620-2444

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>>> On 6/10/2008 at 10:48 AM, in message <auto-000560636142@inbound.appriver.com>, "Carlucci, Michele" <Michele.Carlucci@wilsonelser.com> wrote:

Glenn and Andrea,

A number of your proposed trial exhibits are unidentifiable. As previously requested on several occasions, please provide copies or bates numbers for your proposed exhibits.

Thank you.

Michele Carlucci  
Attorney at Law  
Wilson Elser Moskowitz Edelman & Dicker LLP  
260 Franklin Street - 14th Floor  
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p 617-422-5300 x5416  
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[michele.carlucci@wilsonelser.com](mailto:michele.carlucci@wilsonelser.com)

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6/24/2008

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For further information about Wilson, Elser, Moskowitz, Edelman & Dicker LLP, please see our website at [www.wilsonelser.com](http://www.wilsonelser.com) or refer to any of our offices. Thank you.

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

DOROTHY STANLEY, AS EXECUTRIX OF	:	
THE ESTATE OF HELEN A. RUNGE,	:	
Plaintiff	:	
	:	
	:	No. 05-10849-RGS
v.	:	(Judge Stearns)
	:	
WALTER J. KELLY, et al.,	:	CIVIL ACTION
Defendants	:	JURY TRIAL DEMANDED

EXHIBIT LIST

1. Letter of Helen Runge to "To Whom It May Concern," April 30, 2003
2. Letter of Helen Runge to Sunbridge, May 12, 2003
3. Notes of Walter Kelly, 3 pages (Kelly Dep. Exh. 25)
4. Resident fund material (3466 - 3470)
5. Sunbridge Healthcare Mission/Core Values Policy, August 2002 (4320)
6. Sunbridge Healthcare Standards in the Department of Nursing Policy, June 2002 (4414)
7. Sunbridge Healthcare Health and Medical Condition, Informing Residents of, Policy, June 2002 (4475)
8. Sunbridge Healthcare Psychoactive Medications Policy, June 2002 (4490)
9. Sunbridge Healthcare Refusal of Treatment Policy, June 2002 (4491)
10. Deposition of Sandra M. Porazzo-Perry, March 28, 2007
11. Letter of Helen Runge to Walter J. Kelly, August 1, 2000 (Kelly Dep. Exh. 5)
12. Letter of Helen Runge to Walter J. Kelly, October 10, 2000 (Kelly Dep. Exh. 7)

13. Letter of Helen Runge to "To Whom It May Concern," November 8, 2001 (Kelly Dep. Exh. 8)
14. Letter of Walter J. Kelly to Helen Runge, November 27, 2001 (Kelly Dep. Exh. 9)
15. Massachusetts Health Care Proxy of Helen Runge, May 10, 2002 (Kelly Dep. Exh. 3)
16. Note of Helen Runge, January 17, 2003 (Kelly Dep. Exh. 12)
17. Sunbridge Healthcare Medical Record Release, January 22, 2003 (Kelly Dep. Exh. 13)
18. Fax of Walter J. Kelly to Bay View Village, January 24, 2003 (Kelly Dep. Exh. 14)
19. Sunbridge Healthcare Antipsychotic Medication - Informed Consent, January 30, 2003 (Kelly Dep. Exh. 26)
20. Note of Walter Kelly, February 11, 2003 (Kelly Dep. Exh. 27)
21. Fax of Walter Kelly to Sunbridge Healthcare, February 27, 2003 (Kelly Dep. Exh. 29)
22. Fax of Sunbridge Healthcare to Walter Kelly, March 24, 2003 (Kelly Dep. Exh. 30)
23. Letter of Helen Runge to Walter Kelly, March 12, 2003 (Kelly Dep. Exh. 10)
24. Letter of Helen Runge to Dorothy Stanley, March 2003 (Kelly Dep. Exh. 11)
25. Letter of Thomas F. Schiavoni to Kerry Bloomingdale, M.D., April 25, 2003 (Kelly Dep. Exh. 15)
26. Medical Certificate - Guardianship, April 29, 2003 (Kelly Dep. Exh. 16)
27. Authorization for Use and Release of Information to Sunbridge Healthcare, April 29, 2002 (WK0491 - 0493)
28. Sunbridge fax to Walter Kelly, April 29, 2003 (WK0501 - 0520)

29. Randolph Police Report
30. Memoranda of Walter J. Kelly, April 30, 2003; May 2, 2003 (Kelly Dep. Exh. 32)
31. Motion for Appointment of Temporary Guardian, May 1, 2003 (Kelly Dep. Exh. 17)
32. Letter of Thomas Schiavoni to Patrolman Brent Jackson, May 5, 2003 (WK0044 - 0053)
33. Letter of Robert M. Palmer, M.D., to Dorothy Stanley, May 12, 2003 (Kelly Dep. Exh. 19)
34. Note of B. Rhett Myers, M.D., May 30, 2003 (Kelly Dep. Exh. 20)
35. Letter of Robert M. Palmer, M.D., to Dorothy Stanley, July 25, 2003 (Kelly Dep. Exh. 22)
36. Letter of Phillip R. Feagan to Michael J. McCann and Thomas Schiavoni, June 2, 2003 (Kelly Dep. Exh. 23)
37. Letter of Thomas Schiavoni to Lawrence Hale, July 21, 2003 (Kelly Dep. Exh. 21)
38. Members Plus Credit Union Check, May 20, 2003
39. Sunbridge Healthcare invoice, May 2, 2003, and check (Kelly Dep. Exh. 34)
40. Members Plus Credit Union check, August 7, 2003
41. Walter J. Kelly check, June 4, 2003 (Kelly Dep. Exh. 37)
42. Invoices of Walter J. Kelly dated June 3, 2003; August 8, 2003 (Kelly Dep. Exh. 36)
43. Schiavoni invoices and check copies (Schiavoni Dep. Exh. 4 and 5)
44. Deposition of Farrah Seidler, May 8, 2007
45. Deposition of Linda Johnson, October 16, 2006
46. Affidavit of Helen A. Runge, July 27, 2003

47. Transcription of Videotaped Statement and Videotaped Statement of Helen A. Runge, January 16, 2004
48. Helen Runge's Answer to Kelly's Interrogatories, October 12, 2006, and Answer to Bloomingdale's Interrogatories, October 12, 2006
49. Affidavit of Walter J. Kelly in Support of Motion for Award of Costs in guardianship proceeding
50. July 13, 2006, Chapter 93A demand letter
51. August 10, 2006, response to Chapter 93A demand letter
52. Helen Runge's medical records from Sunbridge
53. Photographs of Helen Runge
54. Massachusetts Resident Admission Agreement
55. Patient's Bill of Rights
56. Sunbridge trust fund disbursements of Helen Runge, August 2002